

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TODD KRAMER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08 CV 2611
)	
CHRYSLER LLC,)	Judge James B. Moran
)	
Defendant.)	Magistrate Judge Michael T. Mason

MOTION TO TRANSFER VENUE

Defendant, Chrysler LLC, moves this Court, pursuant to 28 U.S.C. §1404(a), for entry of an order transferring this case, intradistrict, to the U.S. District Court for the Northern District of Illinois, Western Division, and states as follows:

1. Plaintiff originally filed suit in the Circuit Court for Cook County, Illinois, and defendant has removed that action to this Court pursuant to 28 U.S.C. §§ 1132, 1441 because of the diversity of citizenship of the parties.

2. On the face of the complaint, it is alleged that all of the alleged actions and omissions giving rise to this complaint occurred in Belvidere, Boone County, Illinois, at Chrysler's Belvidere Assembly Plant, and that all of the witnesses and defendant's employees and agents will be found in Boone County, Illinois.

3. A copy of the Chrysler incident report relative to plaintiff's accident is attached which shows that he is an employee or agent of a Massachusetts corporation, A.W. Chesterson (which has an office in Elmhurst, Illinois), and that he was injured at the Belvidere Assembly Plant and taken to Rockford Memorial Hospital in Winnebago County, Rockford, Illinois, for treatment of a broken

shoulder.

4. Boone County, Illinois is within the Western Division of this Court. 28 U.S.C. § 93(a)(2).

5. Since all of the witnesses, including medical providers, all of the defendants and all of the occurrences giving rise to plaintiff's complaint are found in the Western Division, it is submitted that that Division is the more convenient forum and this matter should be transferred within the District.

6. No party is intended to be prejudiced by the filing of this motion and defendants submit a memorandum of law herewith more fully setting forth the bases upon which the motion should be granted.

For the foregoing reasons, it is respectfully submitted that this Court, within its discretion, should enter an order transferring this case to the U.S. District Court for the Northern District of Illinois, Western Division.

/s/ Stephen E. Balogh
Stephen E. Balogh
Attorney for defendant,
CHRYSLER LLC
WilliamsMcCarthy LLP
120 W. State St., Suite 400
P.O. Box 219
Rockford, IL 61105-0219
Telephone: (815) 987-8946
Facsimile: (815) 968-0019
E-mail: sbalogh@wilmac.com

CERTIFICATE OF LAWYER

The undersigned hereby certifies that on May 13, 2008, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorney Timothy P. Rhatigan
Rhatigan & Chute LLC
100 W. Monroe Street, 19th Floor
Chicago, IL 60603

/s/ Stephen E. Balogh
Stephen E. Balogh
Attorney for defendant,
CHRYSLER LLC
WilliamsMcCarthy LLP
120 W. State St., Suite 400
P.O. Box 219
Rockford, IL 61105-0219
Telephone: (815) 987-8946
Facsimile: (815) 968-0019
E-mail: sbalogh@wilmac.com

***PRIVILEGED AND CONFIDENTIAL**

Chrysler
Detail Summary Report
Incident Number: 2006-4015-04-002
Incident Type: Serious Injury
Location Name: Belvidere Assembly Plant

Location Code: 4015
Building Name/Number: Stamping Department
Department: 4200
Date of Assessment: 04/11/2006
Suite:
Date of Incident: 04/06/2006

Incident Description:

At approximately 4:00 pm, work began to remove an electronic transfer feed counterbalance cylinder from the southwest corner (exit end) of D-Line so that the pipefitter could rework it. The work was to be performed by Belvidere Assembly Plant (BAP) personnel. A.W. Chesterton employees were present only to observe and instruct the pipefitter with the rework of the cylinder. While the pipefitter was reassembling the cylinder, the employees of A.W. Chesterton left the skilled trades area. They entered, without authorization, D-Line Press Line to review a different cylinder that was still in place. They did not communicate their intentions with any BAP Employees. While in the area of the cylinder, Todd Kramer, AW Chesterton, stepped to his left and into the scrap chute (approximately 4 feet by 2 feet) beneath bolster #2. Mr. Kramer slid down the chute (approximately 20 feet) and landed on his feet. He was able to climb off the scrap conveyor and walk back up the stairs unassisted. Initially, Mr. Kramer stated that he was fine and did not require any medical assistance. However, during an interview on Friday, April 7th, he stated that after leaving the plant he asked his co-worker to drive him to Rockford Memorial Hospital. He was diagnosed with having a broken left shoulder. He believes he hit his left shoulder on the edge of the hole opening as he fell.

All bolsters were rolled out from the press line exposing the scrap chute holes. There was no work intended to be conducted in the area of bolster #2. The Stamping Department has since instituted that regardless of work in the area of any scrap chute openings, safety covers must be installed whenever the bolster is rolled out for any period of time.

Witness(es): Wayne Houston, AW Chesterton
Jeremy Davis, AW Chesterton

Witness Phone: _____

OSHA Notification: OSHA Notification Required?* ☐ Yes ☒ No

Injury Data

No injuries to report.

**** The Photo has been filed with the report and can be viewed with the application. Please return to the S-54 Incident and click on the last tab, labeled Photos, to access any related Incident Photographs. ****

5-Why Analysis (Root Cause Analysis)

Ask why the condition occurred until you obtain the root cause :

Why?	Todd Kramer, AW Chesterton employee, entered Press Line D without authorization to look at a counterbalance cylinder.
Why??	While inspecting the cylinder, Mr. Kramer took a step to his left and fell into the scrap chute opening. All bolsters were rolled out from the press line which revealed the 2 openings where bolster number 2 is normally positioned.
Why???	The scrap chute opening was not covered with safety covers because there was no work scheduled in this area of the press line. The only cylinder that was scheduled to be reworked was at the southwest corner of the press line near the exit end.
Why????	Scrap chute opening were left open due to past practice. Safety covers were only installed when work was being conducted in area.
Why?????	

IMMEDIATE ACTION

Has immediate action been taken in response to the identified risks? <input checked="" type="radio"/> Yes <input type="radio"/> No	
Description of Immediate Action taken: Instituted policy change with respect to covering all scrap chutes with safety covers any time the bolsters are removed from the press regardless of the activity in the area.	
Status of Immediate Action: <input type="radio"/> In Planning <input type="radio"/> In Process <input checked="" type="radio"/> Complete	
Date Action Completed:	04/07/2006
Responsible Person/Area:	Kevin Miniard, Center Manager

LONG TERM CORRECTIVE ACTION

Has a long term Corrective Action Plan been developed? <input checked="" type="radio"/> Yes <input type="radio"/> No	
Description of Long Term Corrective Action: Stamping Department contacted several vendors inquiring about automated covers in use at facilities outside of DaimlerChrysler.	
Responsible Person/Area:	Tommy Woods, Maint Area Manager
Long term estimated completion date has been established: <input type="radio"/> Yes <input checked="" type="radio"/> No	
Estimated completion date:	
Estimated cost of remediation at filing time:	
Actual completion date:	

Does this incident affect:

Safety?: ☒ Yes ☐ No
Quality?: ☐ Yes ☒ No
Delivery?: ☐ Yes ☒ No
Cost?: ☒ Yes ☐ No
Morale?: ☒ Yes ☐ No

Potential for a more serious accident

Cost to retrofit press lines with automated covers

Morale is affected whenever there is an injury or near miss.

Root Cause Analysis Performed by:	Robert H Rice Jr	Created:	04/11/2006 06:25 AM
Report Submitted by:	Robert H Rice Jr	Submitted:	04/11/2006